



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Rajeev Joshi et al.

Serial No.: 10/618,113

Filed: July 11, 2003

For: Wafer-Level Chip Scale Package and Method for Fabricating and Using The

SAME

Confirmation No. 8697

Group Art Unit: 2826

Examiner: Williams, Alexander O.

Mail Stop Non-Final Response Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

REPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed June 9, 2003, Applicant requests reconsideration of the restriction requirement in light of the following remarks.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on this 23day of June 2004.

Signed: Signed:

6/28/2004

The Restriction Requirement

The Office has required restriction to one of the following groups of inventions under 35 U.S.C. § 121:

Group I: claims 1-19, drawn to a wafer level chip scale package, classified in class 257, subclass 700; and

Group II: claims 20-33, drawn to a method of making a wafer level chip scale package, classified in class 438, subclass 15+.

The Office argues that Groups I and II are related as a process of making and product made. The Office alleges that the inventions of these two groups are distinct since the product as claimed can be made by another and materially different process such as instead of forming the insulating layer without using a high temperature curing process, it can be formed by using a high temperature curing process.

Applicant elects with traverse to prosecute the invention of Group II, claims 20-33. Applicant's traversal is on the grounds that the office has not substantiated that restriction between the claims of Group I and Group II is warranted.

To begin with, the Office has not even shown—or less alleged—that the claims for Groups I and Group II are independent. 35 U.S.C. § 121 requires that for restriction to be proper, the Office must show that groups of claims are both independent and distinct. See also M.P.E.P.§§ 802; 802.01. The Office, however, has only alleged that the claims are distinct for these reasons given above.

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The Office can still require restriction where only distinctness has been argued, provided that the Office shows that there is a serious burden on the Examiner. See M.P.E.P. § 803. But the Office has not argued that there exists a serious burden, i.e., by substantiating that the groups of claims have acquired a separate status in the art as shown by their different classification.

Applicant also disagrees that the Office has shown that the invention of Group I can be made the proposed other and "materially different" process. The proposed materially different process is one that uses a high temperature curing process. But this is not a "materially different" process than the process recited in the claims. The pending independent method claims recite a process that forms an insulating layer of a non-polymeric dielectric material. There is no mention in the independent claims of either using—or not using—a high temperature curing process.¹ Thus, the process proposed by the Office is not "materially different" from the claims process and the Office, therefore, has not substantiated that groups of claims are distinct.

Accordingly, the Office has not established a proper restriction requirement between Groups I and II and Applicant requests withdrawal of this restriction requirement and examination of all pending claims.

CONCLUSION

For the above reasons, Applicant respectfully requests the Office to withdraw the restriction requirement and examine all the pending claims.

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¹ Such a recitation only occurs in dependent claim 27.

Serial No. 10/618,113 Attorney Docket No. 11948.0021

If there is any fee due in connection with the filing of this Request, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

By

KENNETH E. HORTON

Reg. No. 39,481

Date: June 28, 2004

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Serial No. 10/618,113 Filing Date July 11, 2003 Jul 1 2 2004 A. O. Williams 2826 Invention: WAFER-LEVEL CHIP SCALE PACKAGE AND METHODEFOR FABRICATING AND USING THE SAME TO THE ASSISTANT COMMISSIONER FOR PATENTS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. CLAIMS AS AMENDED CLAIMS REMAINING HIGHEST # NUMBER EXTRA ADDITIONAL AFTER AMENDMENT PREV. PAID FOR CLAIMS PRESENT FEE TOTAL CLAIMS 14 - 33 = 0 x \$18.00 \$0.00							Docket No.	
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